

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

The J. Edward Kloian Foundation,

Plaintiff,

v.

13-13684

Fred S. Findling, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

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**ORDER DECLINING TO EXERCISE SUPPLEMENTAL JURISDICTION  
OVER STATE-LAW CLAIM**

Plaintiff filed this action against multiple Defendants, asserting federal question jurisdiction. (*See* Compl. at ¶ 11). Plaintiff's complaint, however, also contains a count asserting state-law claims. (Comp. at 9, asserting a "third cause of action" for "conversion"). Plaintiff apparently asks this Court to exercise supplemental jurisdiction over that state-law count, as it appears that the requirements for diversity jurisdiction are not met.

The applicable statute regarding supplemental jurisdiction, 28 U.S.C. § 1367, provides, in pertinent part, that district courts may decline to exercise supplemental jurisdiction over a claim when:

- 1) the claim raises a novel or complex issue of State law;
- 2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction;
- 3) the district court has dismissed all claims over which it has original jurisdiction, or
- 4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

28 U.S.C. § 1367(c).

Having reviewed the state-law count in Plaintiff's complaint, this Court concludes that Plaintiff's state-law claims predominate. 28 U.S.C. § 1367(c)(2). In addition, the Court finds that the potential for jury confusion in this case would be great if Plaintiff's federal claims were presented to a jury along with its state-law claims. Thus, the potential for jury confusion is yet another reasons for this Court to decline to exercise supplemental jurisdiction over Plaintiff's state-law claims. *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); *Padilla v. City of Saginaw*, 867 F.Supp. 1309 (E.D. Mich. 1994); 28 U.S.C. § 1367(c)(4).

Accordingly, **IT IS ORDERED** that this Court **DECLINES TO EXERCISE SUPPLEMENTAL JURISDICTION OVER PLAINTIFFS' STATE-LAW CLAIMS** and Counts Three of Plaintiff's Complaint is hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 30, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 30, 2013, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager